

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HACIENDA LA PUENTE UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011040062

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 15, 2011, Student filed a request to continue the initial mediation and hearing dates in this matter by holding a trial setting conference. No suggested dates were provided and no evidence was provided that Student had met and conferred with District. On April 18, 2011, District opposed the continuance on the ground that Student had failed to meet and confer and that District personnel would not be available for hearing in the late summer months.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); see also Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is denied. All hearing dates and timelines shall proceed as calendared. Student has requested an initial continuance, and OAH is inclined to grant it. However, Student did not meet and confer with District regarding mutually agreed new hearing dates as is requested by OAH. Forms are available on the OAH website that explain the procedure. Trial setting conferences are set only in unusual cases and this is not one of them. Student may re-submit the request to continue after meeting and conferring with District. Any future request to continue should document the efforts to meet and confer and contain suggested dates.

IT IS SO ORDERED.

Dated: April 19, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings